

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:)
)
CARRINGTON DARNELL VENEY) Case No. 21-31865-KLP
) Chapter 13
Debtor)

CARRINGTON DARNELL VENEY)
)
Plaintiff)
)
v.) APN: 21-_____
)
DITECH FINANCIAL LLC, a)
Delaware limited liability company)
Serve: The Corporation Trust Company, R/A)
Corporation Trust Center)
1209 Orange St.)
Wilmington, DE 19801)
)
and)
)
DARYL T. PAGE, TRUSTEE)
2035 Plank Road)
Fredericksburg, VA 22401)
)
Defendants)

COMPLAINT TO DETERMINE THE VALIDITY, PRIORITY OR EXTENT OF LIENS

COMES NOW, the Plaintiff, by counsel and respectfully represents unto the Court the following:

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, Virginia 23219
Telephone: (804) 225-9500
Facsimile: (804) 225-9598
Email: jkane@kaneandpapa.com
Counsel for Plaintiff

1. The jurisdiction of this Court is founded upon 11 U.S.C. § 1322 and Rule 7001 of the Federal Rules of Bankruptcy Procedure.

2. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

3. The Plaintiff is the Debtor in the above captioned Chapter 13 case, which case was filed on June 9, 2021.

4. The estate of the Plaintiff includes an interest in real estate known as 120 Lancaster Creek Drive, Lancaster, VA 22503, more particularly described as:

ALL THOSE TWO CERTAIN PARCELS OF LAND LOCATED IN WHITE CHAPEL MAGISTERIAL DISTRICT, LANCASTER COUNTY, VIRGINIA, IN THE SUBDIVISION KNOWN AS LANCASTER SHORES, A PLAT OF WHICH (MADE BY PHILLIP H. BROOKS AND KENNETH L. BARTON, DATED JANUARY 22, 1959) IS OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF LANCASTER COUNTY, VIRGINIA, IN DEED BOOK 117 AT PAGE 162, AND UPON WHICH PLAT THE PARCELS DESIGNATED AS LOT 16 IN SECTION D AND AS ONE-HALF (1/2) OF LOT 14 IN SECTION D, BEING THE NEARER ONE-HALF (1/2) TO LOT 15 IN SECTION D, THIS ONE-HALF (1/2) OF LOT 14 IN SECTION D BEING THE SAME PARCEL CONVEYED TO RALPH J. FEATHERALL AND LUCY C. FEATHERALL BY RIVERWOOD ASSOCIATES, INC. BY DEED DATED OCTOBER 16, 1976, OF RECORD IN THE SAID CLERK'S OFFICE IN DEED BOOK 198 AT PAGE 129, AND THE SAID LOT 15 IN SECTION D BEING THE SAME PARCEL OF LAND CONVEYED TO RALPH J. FEATHERALL AND LUCY C. FEATHERALL BY ROBERT K. DANLEY BY DEED DATED OCTOBER 5, 1976, OF RECORD IN THE SAID CLERK'S OFFICE IN DEED BOOK 196 AT PAGE 345.

(“Property”).

5. There is a recorded first deed of trust against the Property in favor of U.S. Bank Trust National Association (“US Bank”), which at the time of the filing of this case had an approximate balance of \$174,543.25, and which deed of trust is dated February 24, 2004 and is

recorded in the Clerk's Office of the Lancaster County Circuit Court on February 26, 2004 as Instrument No. 040000517 ("First Deed of Trust").

6. There is a recorded second deed of trust against the Property in favor of Ditech Financial LLC ("Ditech"), which at the time of the filing of this case had an approximate balance of \$35,842.91, and which deed of trust is dated December 16, 2004 and is recorded in the Clerk's Office of the Lancaster County Circuit Court on December 28, 2004 as Instrument No. 040003835 ("Second Deed of Trust").

7. Daryl T. Page, Trustee is the named Trustee in the Second Deed of Trust and is a necessary party to this action.

8. Upon information and belief, the value of the Property is \$95,400.00 which is less than the payoff of the promissory note secured by First Deed of Trust. A copy of the current assessment on the Property is attached hereto as Exhibit "A".

9. Based upon the value of the Property and the balance of the note secured by the First Deed of Trust, the Second Deed of Trust on the Property is fully unsecured.

WHEREFORE, the Plaintiff respectfully requests that the Court enter an Order declaring that Ditech's note secured by the Second Deed of Trust is fully unsecured, that the Plaintiff be permitted to treat Ditech's allowed claim with respect to the Second Deed of Trust as unsecured in the Chapter 13 Plan, that the Second Deed of Trust be released against the Property, and for such other relief as the Court may deem appropriate.

Dated: June 18, 2021

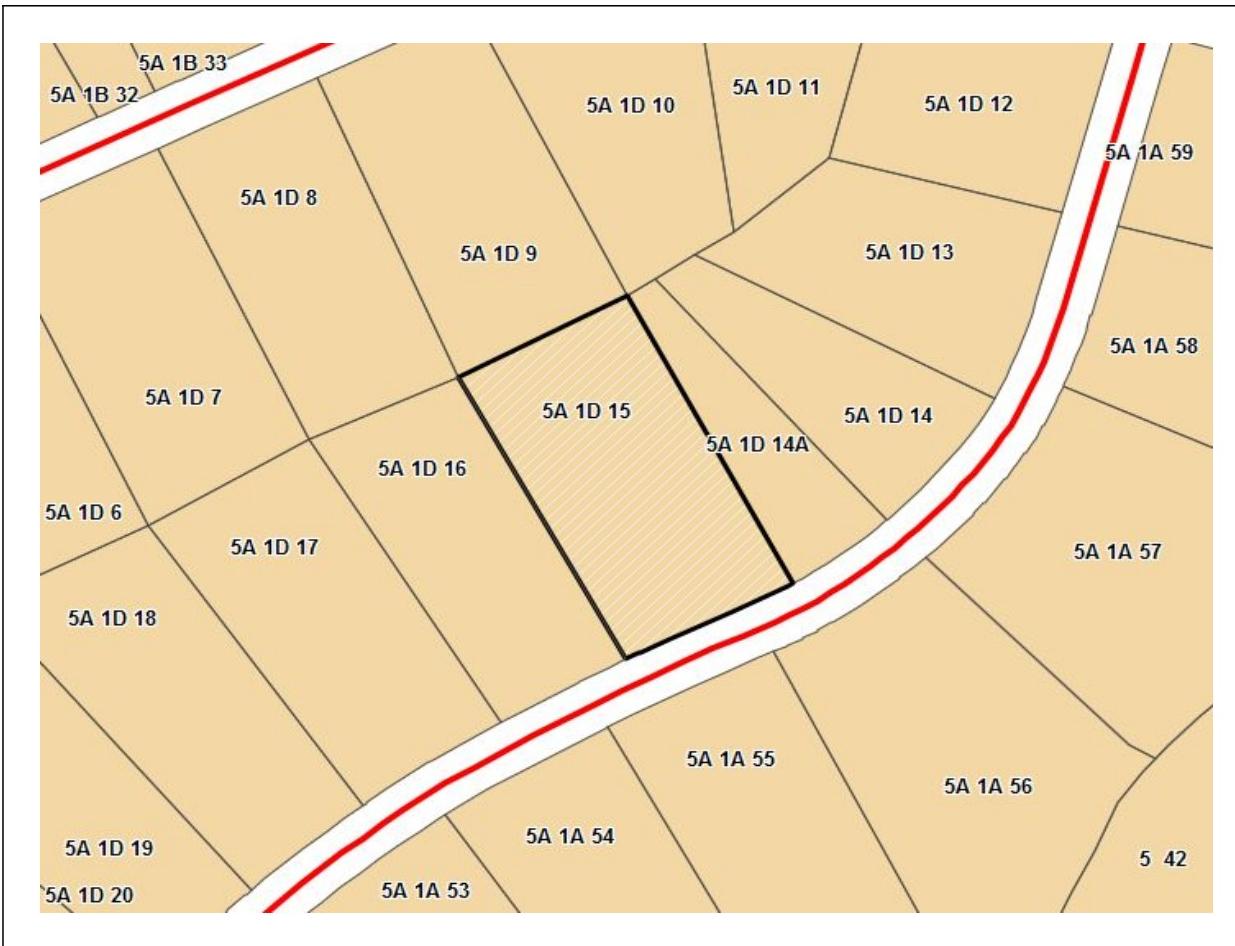
Respectfully Submitted,

CARRINGTON DARNELL VENEY

By: /s/ James E. Kane

James E. Kane (VSB #30081)
KANE & PAPA, P.C.
1313 East Cary Street
Richmond, Virginia 23219
Telephone: (804) 225-9500
Facsimile: (804) 225-9598
Email: jkane@kaneandpapa.com
Counsel for Plaintiff

Lancaster County GIS Parcel Data Report



Parcel Number:	5A 1 D 15
Owner Name:	VENEY CARRINGTON D & CHERYL YVETTE
Address:	120 LANCASTER CREEK DR
	LANCASTER VA 22503
Property Address:	120 LANCASTER CREEK DR
Property Description:	LANCASTER SHORES LOT
Acreage:	.000
Land Value:	3500
Improvements Value:	91900
Total Value:	95400
Instrument Number:	LR 2017 0001966
Date Last Sold:	10/16/2017
Grantor:	VENEY CARRINGTON D

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